UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,420	04/24/2001	Takuji Himeno	450100-03175	5459

20999	7590	06/29/2004

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EXAMINER
FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
2615	7.

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/841,420	HIMENO ET AL.
Office Action Summary		
	Examiner	Art Unit
	James A. Fletcher	2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 April 2004</u>.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-34</u> is/are pending in the application.

   4a) Of the above claim(s) <u>3-7,9 and 13-34</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-2, 8, and 11-12</u> is/are rejected.
7)☒ Claim(s) <u>10</u> is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>24 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☒ All   b)☐ Some * c)☐ None of:

   1.☒ Certified copies of the priority documents have been received.
   2.☐ Certified copies of the priority documents have been received in Application No. _____.
   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1.   Applicant's election without traverse of Species I corresponding to Figure 11,

including claims 1, 2, 8, and 10-12 in the reply filed on 7 April 2004 is acknowledged.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-2, 8, and11-12 are rejected under 35 U.S.C. 102(b) as being

anticipated by Yamada et al (6,115,537).

Regarding claims 1, 11, and 12, Yamada et al disclose a recording apparatus,

method, and medium for recording an audio and a video signal on an information

recording medium (Col 1, lines 6-9 "a digital signal recording apparatus...for recording

compressed television signals") comprising:

- video and audio packetized elementary stream packet generating means and

     step for generating video packetized elementary stream packets by dividing a

     video elementary stream in which a video signal is compressed and coded

     according to a predetermined method by a predetermined number of video

     frames and by adding a header (Col 1, lines 33-39 "Systems for combining

     and packetizing the video and audio coded data in an MPEG signal have

     been established...In this system, the coded data is first converted to variable

length packets called a 'packetized elementary stream' [PES]; these PES

packets are then divided into fixed length packets called the 'transport stream

packets' [TSP]. Auxiliary information used, for example, to synchronize the

audio and video or to identify multiplexed programs is also written to the

TSP." The examiner notes that such auxiliary information is known to be

written into packet headers.);

- video and audio packetized elementary stream packet unit generating means

  and step for generating a video packetized elementary stream and an audio

  packetized elementary stream packet unit by combining a predetermined

  number of the video packetized elementary stream packets and audio

  packetized elementary stream packets (Col 1, lines 33-39 "Systems for

  combining and packetizing the video and audio coded data in an MPEG

  signal have been established...In this system, the coded data is first

  converted to variable length packets called a 'packetized elementary stream'

  [PES]; these PES packets are then divided into fixed length packets called

  the 'transport stream packets' [TSP].);

- sync block generating means for generating sync blocks by alternately

  disposing the video packetized elementary stream packet and the audio

  packetized elementary stream packet unit and by converting the video

  packetized elementary stream packet unit and the audio packetized

  elementary stream packet unit into a predetermined recording format (Col 8,

  lines 45-52 "The digital signal is fed from the transmission packet deriver 2 to

the first recording packet converter 5...where the respective transmission

packets are converted to a recording packet format called as a sync block

having a fixed length of 77 bytes which is a recording unit on the tape track");

and

- recording means and step for recording the sync blocks on the information

recording medium (Fig 1a, item 10 "Rec. Unit" and Fig 1D, illustrating the

recording format including the sync blocks").

Regarding claim 2, Yamada et al disclose a recording apparatus wherein the

predetermined method for compressing and coding the video signal and the audio

signal are MPEG methods (Col 1, lines 6-10 "a digital signal recording apparatus...for

recording compressed television signals containing an MPEG signal").

Regarding claim 8, Yamada et al disclose a recording apparatus wherein the

sync block generating means generates the sync block by recording identification

information indicating the data type of the sync block in a header of the sync block (Col

8, lines 56-58 "The header of 1 byte of the sync block is used as header information

which indicates data of packets and which the header information is added to each sync

block").

Allowable Subject Matter

4.   Claim 10 is objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the

base claim and any intervening claims.

Regarding claim 10, the prior art does not disclose, teach, or suggest a

recording apparatus wherein the sync block generating means records a flag indicating

whether a data area of the sync block is totally occupied with effective data in a header

of the sync block, and, when the data area of the sync block is not totally occupied with

the effective data, a data length of the effective data is recorded in a head of the data

area.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to James A. Fletcher whose telephone number is (703)

305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first

Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew Christensen can be reached at (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only).

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal

Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technology Center 2600 Customer Service Office

whose telephone number is (703) 306-0377.

JAF
June 24, 2004

VINCENT BOCCIO
PRIMARY EXAMINER